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**State of Arizona
Board of Psychologist Examiners**

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Lynanne Chapman
Deputy Director
Heather Broaddus
Licensing Coordinator
Krishna Poe
Administrative Assistant

REGULAR SESSION MINUTES

November 23, 2016, 10:00 a.m.
1400 W. Washington, Suite 280
Phoenix, AZ 85007

1. CALL TO ORDER

The regular session of the Arizona State Board of Psychologist Examiners was called to order by Chairman Wechsler at 10:00 a.m. on November 23, 2016.

2. ROLL CALL

Board Members Present

Frederick S. Wechsler, Ph.D., Psy.D., ABPP – Chair
Tamara Shreeve, MPA – Vice-Chair
Bob Bohanske, Ph.D.
Lynn L. Flowers, Ph.D.
Ramona N. Mellott, Ph.D.
Rob Robichaud, M.A. CJ, SHRM-CP, PHR

Staff Present

Dr. Cindy Olvey, Executive Director
Lynanne Chapman, Deputy Director
Heather Broaddus, Licensing Coordinator
Krishna Poe, Administrative Assistant

Attorney General's Office

Jeanne Galvin, Esq.

Board Members Absent

Paul Beljan, Psy.D., ABPdN, ABN, Secretary
Janice K. Brundage, Ph.D.
Joseph C. Donaldson

3. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION RELATING TO RFI 16-46 PERTAINING TO ALLAN GELBER, PH.D., INCLUDING, BUT NOT LIMITED TO THE POSSIBLE SUMMARY SUSPENSION OF HIS LICENSE TO PRACTICE PSYCHOLOGY, REFERRAL TO FORMAL HEARING OR OTHER ADMINISTRATIVE REMEDIES AVAILABLE TO THE BOARD

The Complainant, Larry Cohen, was present telephonically. Mr. Cohen is an Arizona licensed attorney and his client provided him the details of this complaint. Mr. Cohen did not have an opening statement but stated that he is available for questions.

Dr. Gelber and his legal counsel, Doug Cullins, were present, requested to speak, made statements and answered Board members questions. Mr. Cullins stated that the Complainant did not provide the Board with complete records for this case. Mr. Cullins stated that he provided Board staff with records from Dr. Gelber at the start of the meeting and he believes that it is necessary for the Board to review the complete records before making a decision to summarily suspend Dr. Gelber's license. Mr. Cullins stated that this case is not a typical case and Dr. Gelber's patient was not a typical patient. Mr. Cullins

stated that the relationship between Dr. Gelber and the patient did not become sexual until after the termination of the therapeutic relationship. Dr. Gelber addressed the Board stating that he has been an Arizona licensed psychologist in good standing since 1980. He offered an apology to the Board, to the psychology profession, to the patient and to her family. Dr. Gelber attested that he had a therapeutic relationship with the patient for approximately three years and there was no sexual involvement during those three years. Dr. Gelber stated that towards the end of the patient's treatment, he started having feelings of "deep love" for her, shared his feelings with her, and the patient reciprocated the feelings. Dr. Gelber acknowledged that he was aware of statutes pertaining to relationships with patients, but felt that their relationship was more equal than a typical therapist-patient relationship. He further acknowledged that this was poor judgment. Dr. Gelber asserted that he was not a danger to the public and requested that the Board review the complete documentation before taking action on his license.

Board members asked Dr. Gelber if he is aware of the American Psychological Association of Ethical Principles of Psychologists and Code of Conduct section 10.08(B) *Sexual Intimacies with Former Therapy Clients/Patients* regarding sexual relationships with patients. Dr. Gelber stated that he is aware that he violated an ethical code and admitted to having poor judgement in this case. Board members asked Dr. Gelber when he last had contact with the patient. Dr. Gelber stated that his last professional contact with her was May 12, 2016, and the last time he saw her personally was in October. Board members asked Dr. Gelber if he consulted with a professional regarding his feelings for the patient and their therapeutic relationship. Dr. Gelber responded that he consulted with Dr. William Coburn, a California psychologist, regarding his feelings for the patient and her treatment, and that Dr. Coburn advised against entering into a personal relationship with the patient.

Mr. Cohen clarified for the Board that October 18, 2016, was when the patient stated that it was best to separate, that on October 27, 2016, the patient told Dr. Gelber to cease all contact with her, and that Dr. Gelber subsequently made additional efforts to communicate with the patient via messaging.

Mr. Cullins addressed the Board, stating that there is no evidence that Dr. Gelber has engaged in this type of behavior before and that there is no threat to the public.

At 10:51 p.m. Ms. Shreeve made a motion to go into Executive Session to obtain confidential legal advice from the Board's legal counsel, Dr. Flowers seconded the motion. The motion carried 6-0. Open session reconvened at 11:01 a.m.

Board members deliberated and expressed serious concern with Dr. Gelber's actions. Dr. Gelber is a senior psychologist who is aware of the ethical guidelines for psychologists. His actions were egregious and out of control. He did not seek therapy during this time and he did not refer the patient to another therapist. Board members noted that Dr. Gelber admitted the conduct.

Dr. Mellott made a motion, seconded by Mr. Robichaud, to adopt the interim findings of fact and conclusions of law based on the evidence presented and as set forth in the interim findings of fact and conclusions of law. The motion carried 6-0.

Ms. Shreeve made a motion, seconded by Mr. Robichaud, to find that the interim findings of fact and conclusions of law require emergency action in order to protect the public health, safety and welfare. The motion carried 6-0.

Ms. Shreeve made a motion, seconded by Dr. Flowers, to summarily suspend the license of Dr. Gelber, license #887, given that the Board found that interim findings of fact and conclusions of law require emergency action. Dr. Gelber's license suspension becomes effective upon service of the Order. The motion carried 6-0 on a roll call vote.

Ms. Shreeve made a motion, seconded by Flowers, to direct the Board's Executive Director to refer this matter to the Office of Administrative Hearings to schedule a formal hearing to be commenced as expeditiously as possible from the date of the issuance of this Order. The motion carried 6-0.

Dr. Flowers made a motion, seconded by Dr. Bohanske, to direct the Board's attorney to seek revocation at the formal hearing. The motion carried 6-0.

4. ADJOURN

There being no further business to come before the Board, Dr. Bohanske made a motion, seconded by Ms. Shreeve, to adjourn the meeting at 11:16 a.m. The Motion carried 6-0.

Respectfully submitted,

Lynn L. Flowers, Ph.D.
Vice-Chair